

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-LAS CRUCES

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAWANKUMAR JAIN, M.D.,
a.k.a. "Pawan Kumar Jain,"

Defendant.

CRIMINAL NO. 14-1261 RB

Counts 1, 3, 5 and 6: 21 U.S.C.
§§ 841(a)(1) and (b)(1)(C): Unlawful
Dispensing of a Schedule II Controlled
Substance Resulting in Death;

Counts 2, 4 and 7: 18 U.S.C. § 1347(a):
Health Care Fraud Resulting in Death; 18
U.S.C. § 2(b): Aiding and Abetting;

Counts 8-64: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(C): Unlawful Dispensing and
Distributing of a Schedule II Controlled
Substance;

Counts 65-138: 18 U.S.C. § 1347(a):
Health Care Fraud; 18 U.S.C. § 2(b):
Aiding and Abetting.

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

On or about November 25, 2009, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed a controlled substance, specifically, methadone, a Schedule II controlled substance, by writing a prescription to M.E.B. dated on or about December 23, 2009 for 270 tablets of methadone 10 mg, outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of M.E.B on or about December 25, 2009.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 2

On or about November 25, 2009, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program, specifically, the defendant caused to be submitted to Medicare a fraudulent claim for a prescription for 270 tablets of methadone 10 mg dated on or about December 23, 2009, that the defendant dispensed and distributed to M.E.B. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of M.E.B on or about December 25, 2009.

In violation of 18 U.S.C. §§ 1347(a) and 2(b).

Count 3

On or about July 27, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed a controlled substance, specifically, oxycodone, a Schedule II controlled substance, by writing a prescription to N.D. dated on or about July 27, 2010 for 120 tablets of oxycodone 30 mg, outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of N.D. on or about July 29, 2010.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 4

On or about July 27, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program, specifically, the defendant caused to be submitted to Medicaid a fraudulent claim for a prescription for 120 tablets of oxycodone 30 mg dated on or about July 27, 2010, that the defendant dispensed and distributed to

N.D. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of N.D. on or about July 29, 2010.

In violation of 18 U.S.C. §§ 1347(a) and 2(b).

Count 5

On or about June 7, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed a controlled substance, specifically, morphine sulphate, a Schedule II controlled substance, by writing a prescription to R.B. dated on or about August 5, 2010 for 90 tablets of morphine sulfate 60 mg, outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of R.B. on or about August 14, 2010.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 6

On or about June 14, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed a controlled substance, specifically, oxycodone, a Schedule II controlled substance, by writing a prescription to T.B. dated on or about June 14, 2010 for 180 tablets of oxycodone 30 mg, outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of T.B. on or about June 18, 2010.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Count 7

On or about June 14, 2010, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program, specifically, the defendant caused to be submitted to Medicare a fraudulent claim for a prescription for 180 tablets of oxycodone 30 mg dated on or about June 14, 2010, that the defendant dispensed and distributed to

T.B. outside the usual course of medical practice and without legitimate medical purpose, resulting in the death of T.B. on or about June 18, 2010.

In violation of 18 U.S.C. §§ 1347(a) and 2(b).

Counts 8-13

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed the following Schedule II controlled substances to M.E.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
8	4/23/09	180 tablets of oxycodone 40 mg ER (extended release)
9	5/21/09	180 tablets of oxycodone 40 mg ER
10	6/19/09	180 tablets of oxycodone 40 mg ER
11	7/13/09	180 tablets of methadone 10 mg
12	10/2/09	225 tablets of methadone 10 mg
13	11/25/09	270 tablets of methadone 10 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 14-21

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed the following Schedule II controlled substances to R.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
14	10/30/09	120 tablets of morphine sulphate 30 mg
15	11/16/09	120 tablets of morphine sulphate 30 mg
16	11/16/09	60 tablets of morphine sulphate 60 mg
17	1/11/10	180 tablets of morphine sulphate 30 mg
18	2/15/10	60 tablets of morphine sulphate 60 mg
19	3/22/10	60 tablets of morphine sulphate 60 mg
20	4/8/10	120 tablets of morphine sulphate 60 mg
21	6/7/10	180 tablets of morphine sulphate 60 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 22-26

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed the following Schedule II controlled substances to T.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
22	12/14/09	360 tablets of oxycodone/APAP (acetaminophen) 10/325 mg
23	1/7/10	180 tablets of oxycodone/APAP 10/325 mg
24	3/4/10	180 tablets of oxycodone/APAP 10/325 mg
25	4/6/10	180 tablets of oxycodone/APAP 10/325 mg
26	5/5/10	180 tablets of oxycodone/APAP 10/325 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 27-38

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed the following Schedule II controlled substances to M.J.B. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
27	5/26/09	540 tablets of methadone 10 mg
28	7/14/09	180 tablets of methadone 10 mg
29	7/14/09	90 tablets of oxycodone/APAP 10/325 mg
30	9/15/09	180 tablets of methadone 10 mg
31	10/13/09	270 tablets of methadone 10 mg
32	10/13/09	120 tablets of oxycodone/APAP 10/325 mg
33	10/13/09	90 tablets of oxycodone/APAP 10/325 mg
34	11/11/09	540 tablets of methadone 10 mg
35	11/11/09	180 tablets of oxycodone/APAP 10/325 mg
36	1/5/10	819 tablets of methadone 10 mg
37	1/5/10	90 tablets of oxycodone/APAP 10/325 mg
38	3/24/10	810 tablets of methadone 10 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 39-52

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed the following Schedule II controlled substances to S.C. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
39	6/2/09	60 tablets of oxycodone 80 mg
40	6/2/09	180 tablets of oxycodone/APAP 7.5/325 mg
41	6/19/09	120 tablets of oxycodone 80 mg
42	6/19/09	360 tablets of oxycodone/APAP 7.5/ 325 mg
43	8/11/09	180 tablets of oxycodone 80 mg
44	8/11/09	540 tablets of oxycodone/APAP 10/325 mg
45	11/9/09	60 tablets of oxycodone 80 mg
46	11/9/09	180 tablets of oxycodone/APAP 10/325 mg
47	12/28/09	180 tablets of oxycodone 80 mg
48	12/28/09	270 tablets of oxycodone 30 mg
49	3/25/10	180 tablets of oxycodone 80 mg
50	3/25/10	270 tablets of oxycodone 30 mg
51	6/24/10	180 tablets of oxycodone 80 mg
52	6/24/10	270 tablets of oxycodone 30 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 53-64

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWANKUMAR JAIN, M.D.**, knowingly and intentionally dispensed and distributed the following Schedule II controlled substances to A.U. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
53	6/24/09	180 tablets of oxycodone/APAP 10/ 325 mg
54	6/24/09	30 tablets of amphetamine/dextroamphetamine 30 mg
55	6/30/09	180 tablets of oxycodone 30 mg
56	7/6/09	180 tablets of hydromorphone 4 mg
57	7/14/09	180 tablets of oxycodone 30 mg
58	9/10/09	540 tablets of oxycodone 30 mg

59	9/10/09	90 tablets of amphetamine/dextroamphetamine 30 mg
60	12/8/09	720 tablets of oxycodone 30 mg
61	3/5/10	540 tablets of oxycodone 30 mg
62	3/5/10	540 tablets of oxycodone 15 mg
63	6/3/10	360 tablets of oxycodone 30 mg
64	6/3/10	360 tablets of oxycodone 15 mg

All in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Counts 65-71

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to L.D. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
65	5/11/11	720 tablets of morphine sulphate 30 mg
66	5/11/11	180 tablets of morphine sulphate 60 mg ER
67	8/5/11	720 tablets of morphine sulphate 30 mg
68	8/5/11	120 tablets of morphine sulphate 60 mg ER
69	9/27/11	360 tablets of hydromorphone 4 mg
70	11/1/11	540 tablets of hydromorphone 4 mg
71	2/23/12	240 tablets of hydromorphone 4 mg

Counts 72-77

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to B.L. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
72	10/28/11	1,080 tablets oxycodone 30 mg
73	10/28/11	180 tablets hydromorphone 40 mg
74	12/20/11	720 tablets oxycodone 30 mg
75	12/20/11	120 tablets hydromorphone 40 mg
76	2/13/12	360 tablets oxycodone 30 mg
77	2/13/12	60 tablets hydromorphone 40 mg

Counts 78-82

On or about the following dates, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and intentionally dispensed the following Schedule II controlled substances to L.T. outside the usual course of medical practice and without legitimate medical purpose:

COUNT	DATE	CONTROLLED SUBSTANCE
78	4/4/11	1,440 tablets of methadone 10 mg
79	7/29/11	1,440 tablets of methadone 10 mg
80	12/9/11	1,440 tablets of methadone 10 mg
81	4/3/12	1,080 tablets of methadone 10 mg
82	7/6/12	720 tablets of methadone 10 mg

Counts 83-138

From on or about July 9, 2007, and continuing to on or about February 23, 2012, in Doña Ana County, in the District of New Mexico, the defendant, **PAWAN KUMAR JAIN**, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud health care benefit programs in connection with the delivery of and payment for health care benefits, items and services, specifically, the defendant caused to be submitted for payment by Medicare and Medicaid claims for prescriptions that the defendant dispensed to patients outside the usual course of medical practice and without legitimate medical purpose. The defendant dispensed the following prescriptions to execute the scheme:

COUNT	PATIENT	DATE	CONTROLLED SUBSTANCE	HEALTH CARE PROGRAM
83	M.E.B.	4/22/09	180 tablets of oxycodone 40 mg ER	Medicare
84	M.E.B.	5/21/09	180 tablets of oxycodone 40 mg ER	Medicare
85	M.E.B.	6/19/09	180 tablets of oxycodone 40 mg ER	Medicare
86	M.E.B.	7/13/09	90 tablets of methadone 10 mg	Medicare
87	M.E.B.	9/29/09	225 tablets of methadone 10 mg	Medicare
88	R.B.	10/30/09	120 tablets of morphine sulphate 30 mg	Medicaid
89	R.B.	11/16/09	60 tablets of morphine sulphate 30 mg	Medicaid
90	R.B.	11/16/09	60 tablets of morphine sulphate 60 mg	Medicaid

COUNT	PATIENT	DATE	CONTROLLED SUBSTANCE	HEALTH CARE PROGRAM
91	R.B.	1/11/10	180 tablets of morphine sulphate 30 mg	Medicaid
92	R.B.	2/15/10	60 tablets of morphine sulphate 60 mg	Medicaid
93	R.B.	3/22/10	60 tablets of morphine sulphate 60 mg	Medicaid
94	R.B.	4/8/10	120 tablets of morphine sulphate 60 mg	Medicaid
95	R.B.	6/7/10	90 tablets of morphine sulphate 60 mg	Medicaid
96	T.B.	12/14/09	360 tablets of oxycodone/APAP 10/325 mg	Medicare
97	T.B.	1/7/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
98	T.B.	3/4/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
99	T.B.	4/6/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
100	T.B.	5/27/10	180 tablets of oxycodone/APAP 10/325 mg	Medicare
101	M.J.B.	10/13/09	270 tablets of methadone 10 mg	Medicare
102	M.J.B.	10/13/09	90 tablets of oxycodone/APAP 10/ 325 mg	Medicare
103	M.J.B.	11/11/09	540 tablets of methadone 10 mg	Medicare
104	M.J.B.	11/11/09	180 tablets of oxycodone/APAP 10/325 mg	Medicare
105	M.J.B.	1/5/10	549 tablets of methadone 10 mg	Medicare
106	M.J.B.	1/5/10	90 tablets of oxycodone/APAP 10/325 mg	Medicare
107	S.C.	6/2/09	60 tablets of oxycodone 80 mg	Medicaid
108	S.C.	6/2/09	180 tablets of oxycodone/APAP 7.5/325 mg	Medicaid
109	S.C.	6/19/09	120 tablets of oxycodone 80 mg	Medicaid
110	S.C.	6/19/09	360 tablets of oxycodone/APAP 7.5/325 mg	Medicaid
111	S.C.	8/11/09	180 tablets of oxycodone 80 mg	Medicaid
112	S.C.	8/11/09	540 tablets of oxycodone/APAP 10/ 325 mg	Medicaid
113	S.C.	11/9/09	60 tablets of oxycodone 80 mg	Medicaid
114	S.C.	11/9/09	180 tablets of oxycodone/APAP 10/325 mg	Medicaid
115	S.C.	12/28/09	180 tablets of oxycodone 80 mg	Medicaid
116	S.C.	12/28/09	270 tablets of oxycodone 30 mg	Medicaid
117	S.C.	3/25/10	180 tablets of oxycodone 80 mg	Medicaid
118	S.C.	3/25/10	270 tablets of oxycodone 30 mg	Medicaid
119	S.C.	6/24/10	180 tablets of oxycodone 80 mg	Medicaid
120	S.C.	6/24/10	270 tablets of oxycodone 30 mg	Medicaid


COUNT	PATIENT	DATE	CONTROLLED SUBSTANCE	HEALTH CARE PROGRAM
121	A.U.	6/24/09	180 tablets of oxycodone/APAP 10/325 mg	Medicaid
122	A.U.	6/24/09	30 tablets of amphetamine/dextroamphetamine 30 mg	Medicaid
123	A.U.	6/30/09	180 tablets of oxycodone 30 mg	Medicaid
124	A.U.	7/6/09	180 tablets of hydromorphone 4 mg	Medicaid
125	A.U.	9/10/09	540 tablets of oxycodone 30 mg	Medicaid
126	A.U.	9/10/09	90 tablets of amphetamine/dextroamphetamine 30 mg	Medicaid
127	A.U.	12/8/09	720 tablets of oxycodone 30 mg	Medicaid and Medicare
128	A.U.	3/5/10	540 tablets of oxycodone 30 mg	Medicare
129	A.U.	3/5/10	540 tablets of oxycodone 15 mg	Medicare
130	A.U.	6/3/10	360 tablets of oxycodone 30 mg	Medicare
131	A.U.	6/3/10	360 tablets of oxycodone 15 mg	Medicare
132	L.D.	5/11/11	720 tablets of morphine sulphate 30 mg	Medicaid
133	L.D.	5/11/11	180 tablets of morphine sulphate 60 mg ER	Medicaid
134	L.D.	8/5/11	480 tablets of morphine sulphate 30 mg	Medicaid
135	L.D.	8/5/11	120 tablets of morphine sulphate 60 mg ER	Medicaid
136	L.D.	9/27/11	360 tablets of hydromorphone 4 mg	Medicaid
137	L.D.	11/1/11	360 tablets of hydromorphone 4 mg	Medicaid
138	L.D.	2/23/12	240 tablets of hydromorphone 4 mg	Medicaid

All in violation of 18 U.S.C. §§ 1347(a) and 2(b).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

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